

P.02/05

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 12, 2008

By Facsimile

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>2/13/08</u>

Re: United States v. Edwin Salvado,
08 Cr. 117 (VM)

Dear Judge Marrero:

A notice of intent in the above-referenced case was filed on or about January 30, 2008 (A copy is attached). The case was wheeled out to Your Honor. The Government, however, was under the mis-impression that the case had been wheeled out to the Honorable Gerard E. Lynch. Yesterday, February 11, 2008, the parties appeared before Judge Lynch. At the conference, the defendant waived indictment, an information was filed, a not guilty plea was entered, and Judge Lynch excluded time, on consent, until March 28, 2008. Judge Lynch scheduled the next pre-trial conference for March 28, 2008, at 2:00 p.m.

Yesterday afternoon, the Government learned of the error described above. The Government respectfully requests that Your Honor adopt the finding of Judge Lynch with respect to the defendant's waiver of indictment and the parties' request to

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exclude time until March 28, 2008.¹ The Government apologized to the Court for this error, and is available if the Court has any questions about the foregoing.

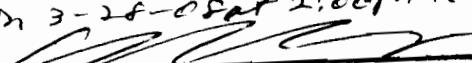
Respectfully,

MICHAEL J. GARCIA
 United States Attorney

By:


 Todd Blanche
 Assistant U.S. Attorney
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cc: Hon. Gerard E. Lynch (by fax)
 Andrew Patel, Esq. (by fax)

<u>Request GRANTED. The Court adopts</u> <u>the finding made by Judge Gerard Lynch at</u> <u>the proceeding on 2-11-08 with respect to</u> <u>the waiver of indictment and the</u> <u>exclusion of time under the Speedy</u> <u>Trial Act until the next conference.</u> <u>SO ORDERED: On 3-28-08 at 2:00 p.m.</u>	
<u>2-13-08</u> <u>DATE</u>	 <u>VICTOR MARRERO, U.S.D.J.</u>

¹ The Government has ordered a transcript of yesterday's proceedings, and will forward that transcript to Your Honor when it is received.